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**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF MANAGEMENT AND BUDGET**  
WASHINGTON, D.C. 20503

September 28, 1987

**LEGISLATIVE REFERRAL MEMORANDUM**

**O/CONGRESSIONAL AFFAIRS**

87-5070

**TO: Legislative Liaison Officer**

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**SUBJECT:** Environmental Protection Agency report on H.R. 1615 --  
Government Information Agency.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

We will assume you have no objection to this report if you do not respond by C. O. B. THURSDAY, OCTOBER 1, 1987.

Questions should be referred to Constance J. Bowers (395-3457), the legislative analyst in this office.

*[Signature]*  
James C. Murr for  
Assistant Director for  
Legislative Reference

**Enclosures**

cc: David Tornquist  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
EXTERNAL AFFAIRS

Honorable Doug Walgren  
Chairman, Subcommittee on Science,  
Research and Technology  
Committee on Science, Space, and  
Technology  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Environmental Protection Agency (EPA) on H.R. 1615, a bill which would establish the Government Information Agency (GIA) for the purpose of enhancing the economic, scientific, and technological position of the United States by acquiring, processing, and selling the fruits of federally performed and federally sponsored research, development, and analysis.

Under the provisions of this proposed legislation, each Federal agency would be required to provide to the Administrator of GIA all information it developed or received in connection with research, development, or analysis performed or sponsored by the agency. The term "Government information" is defined as all scientific, technical, business, and economic information or data that pertains to or is derived from federally performed or sponsored research, development or analysis; excluded is information which is (1) classified, (2) provided by a contractor in connection with a contract entered into with the agency, or (3) the sale, disclosure or distribution of which is otherwise prohibited or restricted by Federal law.

We believe that provisions of H.R. 1615 present a risk to severely disrupt the operational efficiency of the Agency. This assessment comes from two aspects of the bill. First, the definition of "Government Information" is extremely broad, even reaching into computer data bases the Agency establishes, and second, the proposed Government Information Agency is given broad authority for rulemaking in the performance of its functions.

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While the concept of a centralized source of government information may, at least on the surface, be quite attractive to the user, our experience has shown that potential to be unlikely to be fulfilled. We have found that the greater the number of intervening layers that exist between the source and user, the longer the time required to get information across that gap. In the case of a regulatory agency, it is essential to get information required by regulated communities into their hands to allow them to efficiently comply with Agency requirements.

Another problem EPA has with H.R. 1615 is that it authorizes the proposed Government Information Agency to collect government information ". . . developed or received by the Federal agency in connection with research, development, or analysis performed or sponsored by that agency, . . ." This authority could conceivably be used to require release of information before the Agency had the opportunity to conduct proper evaluation of the material it has received or developed, presumably even in draft stages prior to completion of a particular regulatory development activity. The potential disruptiveness of this authority is obvious.

For these reasons, EPA opposes enactment of H.R. 1615.


The Office of Management and Budget has advised us that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Jennifer Joy Wilson  
Assistant Administrator  
for External Affairs

**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF MANAGEMENT AND BUDGET**  
WASHINGTON, D. C. 20503

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